

Other forms may be seen in Burns' Just. tit. Riot. These Statutes are little practiced under here,¹ though the Stat. 13 H. 4, c. 7, is express, that the justices of the peace dwelling nighest in every county where such riot, &c., shall be made, &c., shall do execution of the Statute, on which it has been holden, that if any justices who do not *dwell nighest **205** the place execute the Statute, it excuses the rest, but if they or one of them whose dwelling is nighest at the time of the riot die within the month, those, whose dwelling becomes thereby the nearest, are bound to execute it in the same way as the others; secondly, that although only the nearest justices are liable to the penalty, yet if others on notice neglect to supply their place, they are fineable at discretion; thirdly, that if they do their duty in executing the Statute or endeavouring to execute it, they shall not incur any penalty, through a default of the sheriff in refusing to appear or return a jury, but, that they do not escape the penalty by executing the Statute in part only, as by recording a riot without committing the offenders; fourthly, that if a justice have no express notice of the riot given him, he shall be excused, unless it were so flagrant, that every one dwelling near must have had notice of it; but as before observed, the Statutes are not intended of petty riots, but of such as are notorious and in the nature of insurrections; and lastly, that the acquiescence or agreement of the parties aggrieved is no excuse to the justices, for they must *ex officio* make the inquiry, &c., and they may bind over such of the parties, as refuse to prosecute their complaint, to the good behaviour, 1 Hawk. P. C. 307. And for the duty and responsibility of a justice, generally, in suppressing a riot, see R. v. Pinney, 3 B. & Ad. 947, and the authorities collected in the note of the reporters.

By Art. 82 of the Code, (Act of 1835, ch. 137,) the county, or incorporated town, or city, in which any damage is done by any riotous or tumultuous assemblage, is made liable therefor to the injured party, under the restrictions therein provided; and see 1867, ch. 282, as to the time within which such actions are to be brought, and the Mayor, &c., of Balto. v. Poultney, 25 Md. 107.²

¹ The Governor, of course, has power to order out the state militia to suppress riots. Code 1911, Art. 65, sec. 8.

² Code 1911, Art. 82; Hagerstown v. Sehner, 37 Md. 180; Hagerstown v. Dechert, 32 Md. 369.

As to the sheriff's liability in a civil action for his default, or misbehaviour, as conservator of the peace, at the suit of one who has suffered injury to his person or property through mob violence, see Cocking v. Wade, 87 Md. 529.